

Brakebill, Ken W.

From: Brakebill, Ken W.
Sent: October 10, 2006 12:02 PM
To: 'Ted Normand (enormand@bsfillp.com)'
Subject: Scheduling

Ted:

Novell has considered SCO's request to extend various deadlines in the case. Attached is a proposed stipulation containing Novell's counterproposal. If you're agreeable, please let me know and we can have it signed and submitted to the court.

Thanks.
-Ken



23b3801_.pdf (9
KB)

MORRISON & FOERSTER LLP
Michael A. Jacobs, *pro hac vice*
Kenneth W. Brakebill, *pro hac vice*
425 Market Street
San Francisco, CA 94105-2482
Telephone: (415) 268-7000
Facsimile: (415) 268-7522

ANDERSON & KARRENBORG
Thomas R. Karrenberg, #3726
John P. Mullen, #4097
Heather M. Sneddon, #9520
700 Chase Tower
50 West Broadway
Salt Lake City, UT 84101
Telephone: (801) 534-1700
Facsimile: (801) 364-7697

Attorneys for Defendant & Counterclaim-Plaintiff Novell, Inc.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE SCO GROUP, INC., a Delaware
corporation,

Plaintiff & Counterclaim-
Defendant,

vs.

NOVELL, INC., a Delaware corporation,

Defendant & Counterclaim-
Plaintiff.

STIPULATION

Case No. 2:04CV00139

Judge Dale A. Kimball

Defendant and Counterclaim-Plaintiff Novell, Inc. ("Novell"), by and through its counsel,
and Plaintiff and Counterclaim-Defendant The SCO Group, Inc. ("SCO"), by and through its
counsel, hereby stipulate to certain modifications in the case schedule.

Briefing Concerning Novell's Motion for Summary Judgment or Preliminary Injunction

- (a) SCO has until November 17, 2006 to file any opposition to Novell's Motion for Summary Judgment or Preliminary Injunction.
- (b) Novell has until December 15, 2006 to file any reply in support of its Motion for Summary Judgment or Preliminary Injunction.
- (c) Said extensions shall not be used against Novell its petition for preliminary relief.

Fact Discovery Deadlines

- (a) The deadline to complete fact discovery concerning discovery requests that were timely served under the Court's December 6, 2005 Scheduling Order and Order Vacating Hearing shall be extended from November 1, 2006 to January 17, 2007.
- (b) The deadline to complete depositions shall be extended from November 1, 2006 to January 17, 2007.
- (c) Novell grants SCO a thirty-day extension of time to respond and produce documents and information responsive to Novell's Second and Third Sets of Interrogatories, Novell's Third and Fourth Sets of Requests for Production of Documents, and Novell's First Set of Requests for Admission.

Expert Discovery Deadlines

- (a) The deadline to complete expert discovery in this matter shall be extended from January 12, 2007 to March 30, 2007.
- (b) The parties bearing the burden of proof on issues will designate and submit the reports of its expert witnesses on these issues, if any, by February 9, 2007. The deadline for submitting any opposing expert reports will be March 2, 2007. Any rebuttal expert reports must be served by March 16, 2006.

Other Deadlines

(a) The deadline to file dispositive or potentially dispositive motions shall be extended from January 26, 2007 to April 27, 2007.

DATED: October __, 2006.

ANDERSON & KARRENBERG

Thomas R. Karrenberg
John P. Mullen
Heather M. Sneddon
Attorneys for Novell, Inc.

DATED: October __, 2006.

HATCH, JAMES & DODGE

Brent O. Hatch
Mark F. James
Attorneys for The SCO Group, Inc.